

CITY PROPOSAL #13- SICK LEAVE PAYOFF

18.2 Sick leave payoff shall be given to each full-time employee at the time of retirement or death under one of the following conditions:

18.2.1 Federated Retirement Plan

The employee is:

18.2.1.1 a member of the Federated Retirement Plan, and

18.2.1.2 retired under the provisions cited in the plan, and

18.2.1.3 credited with at least ~~fifteen~~ twenty (1520) years of service in this retirement plan, or

18.2.1.4 credited with at least ~~ten~~ fifteen (1015) years of service prior to a disability retirement.

~~18.2.2 Terminated Employee with Vesting Rights~~

~~The employee has:~~

~~18.2.2.1 terminated his/her service with the City, and~~

~~18.2.2.2 retained vesting rights in a retirement system according to provisions in the San Jose Municipal Code, and~~

~~18.2.2.3 following such termination, qualifies for retirement and retires under the provisions cited in the code, and~~

~~18.2.2.4 has at the time of retirement credit for at least fifteen (15) years of service in the applicable retirement plan.~~

18.2.3 Death During Service

The estate of any full-time employee who dies while in City service and prior to retirement, even though the employee is not credited with at least ~~fifteen~~ twenty (1520) years of service in any applicable retirement plan.

~~18.2.4 Death of Terminated Employee~~

~~The estate of any full-time employee who:~~

~~18.2.4.1 had terminated service with the City but had retained vesting rights in a retirement system according to provisions in the San Jose Municipal Code, and~~

~~18.2.4.2 dies prior to becoming eligible for retirement allowances as cited under provisions of the San Jose Municipal Code, and~~

~~18.2.4.3 has at the time of death credit for at least fifteen (15) years of service in the~~

~~applicable retirement plan.~~

~~18.3 Employees who were brought into the City under the consolidation of the communications function will be able to use their County service as credit toward meeting the eligibility requirement for this sick leave pay out per Ordinance 22314.~~

18.4 Payout shall be determined as follows; If a full-time employee at the time of his/her retirement or death has earned, unused sick leave hours, he/she shall be paid the equivalent of a specific percent of his/her hourly rate of pay at the time of retirement, ~~termination~~ or death, whichever comes first, multiplied by the total number of his/her accumulated and unused hours of sick leave as of the date of his/her retirement or death as follows:

Less than 400 hours:                      Total hours accumulated x 50% of final hourly rate.

or 400 but less than ~~800-1200~~ hours:                      Total hours accumulated x 60% of final hourly rate.

~~or 800 – 1200 hours:                      Total hours accumulated x 75% of final hourly rate.~~

18.5 Use of previously accumulated sick leave hours:

For purposes of determining the total number of accumulated and unused hours of sick leave of a full-time employee at the time of his/her retirement or death, unused sick leave from prior periods of employment with the City shall be used. Previously accumulated sick leave shall be credited to the employee for use during an employee's current employment period.

~~18.6 Employees are only eligible for one sick leave payoff while employed by the City of San Jose, including breaks in employment.~~

~~18.7 Employees hired by the City on or after July 1, 2010, shall not be eligible for a sick leave payoff benefit.~~